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Senate

MORE ON ARMY POLITICAL SURVEILLANCE

Mr. ERVIN. Mr. President, on December 18, I related to the Senate the substance of allegations made by Mr. John O'Brien, a former agent of military intelligence, concerning Army surveillance of Federal, State, and local officials and other citizens not holding public office. These allegations have created an uproar in the country and caused a considerable amount of legitimate concern. Details of Mr. O'Brien's allegations are contained in a number of news stories by Jared Stout of the Newhouse News Service. Of course, the full story remains to be discovered. In order that the Senate have as much information as can now be made available, I ask unanimous consent that copies of these news stories be printed in the Record at the conclusion of my remarks. I also ask unanimous consent that copies of the official statements issued by the Army in response to these allegations be included in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, the sensational nature of these charges and refutations ought not distract us from the main issue; that is: Did the Army, whether purposefully or accidentally, become engaged in the collection of information relating to legitimate political activities of American citizens, whether public officials or not? How did this happen, and why was it allowed to happen? What can be done to insure that it does not happen again?

As I stated a few days ago, this controversy is only part of the larger, more complicated and more serious problem of the impact of official data gathering upon the individual rights of American citizens. Most of this data collection is done for legitimate and socially beneficial purposes. Yet the fact remains that it is being undertaken with little or no protection for the individual citizen and insufficient reflection on the long-term consequences to American freedom. The Constitutional Rights Subcommittee hearings in February will probe deeply into this Army affair. But we will not be concerned solely with that issue. The Army political surveillance must be viewed against the background of the entire panoply of Government information gathering and the progressive computerization of the American citizen.

(Exhibit 1.)

[From the Evening Star, Dec. 16, 1970]

EX-GI TELLS OF CIVILIAN FILE: ARMY SPYED ON POLITICIANS

(By Jared Stout)

A former Army undercover agent says top-ranking Federal and State officials in Illinois, including Sen. Adlai E. Stevenson III, D-Ill., were secretly watched by Army intelligence operatives.

Former agent John M. O'Brien, who said, "I was a domestic spy for the Army," also named Rep. Abner Mikva, D-Ill., and U.S. Circuit Court Judge Otto Kerner, the former governor and chairman of President Johnson's Commission on Violence, as targets of military surveillance.

"The Army wanted to determine their political views so that in certain situations we would know how they would react; whether they would condone violence or be for non-violence," O'Brien said in an interview.

The surveillance was part of an Illinois-wide effort to get the names and background on anyone who opposed Vietnam war policy or "who openly opposed the Nixon administration's controversial domestic policies," the former agent said.

O'Brien, a former staff sergeant, said the spying was done by the Region 1 office of the 113th Military Intelligence Group (MIG) in Chicago and was paralleled by other Army intelligence units across the country.

O'Brien said that from June 1969, until his honorable discharge as a staff sergeant on June 8, 1970:

"My entire effort as a military intelligence agent was directed toward the offensive activities conducted by the Army involving collection of information pertaining to individuals and organizations deemed by the Army to be subversive in nature."

According to O'Brien, the officials he named were among 800 persons on whom the 113th Military Intelligence Group kept dossiers. He said the records were called "the subversives file."

O'Brien said the file comprised 120-fast of Manila folders in four file drawers and was kept at Region 1 headquarters at 2231 W. Howard St. in Chicago. O'Brien said he worked there as an agent from June 1969, until his discharge.

The Chicago area native had been assigned to intelligence duties in Germany for his four previous years of Army service. He said he joined the service in August 1965 after his funds ran out during his junior year at Loyola University.

O'Brien said his own spy work involved antiwar protest groups and that he participated in direct surveillance of meetings held by Students for a Democratic Society and the Chicago Peace Council, among others.

In his position, he said he had frequent access to the 113th file and it was from his recollection of those files that he told his story. He had no physical evidence of the files or the reports that filled them.

O'Brien said in his first indoctrination briefing at the 113th, he was told that "we would be targeted against civilians." He said his superiors justified the activity this way:

"Certain elements of our society have resorted to illegal methods to attain political recognition and eventually their own political goals.

"These elements have resorted, in many instances, to use of violence and the instigation of nonpolitical elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well being of our society."

"Therefore, all attempts were made to monitor the activities of such elements," O'Brien said, adding that they ranged from the Daughters of the American Revolution to Alabama Gov. George C. Wallace and Bobby Seale of the Panthers.

"My superiors told me it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals," O'Brien said.

When he suggested this was a job for civilian agencies, O'Brien said he was told the FBI and Secret Service were short of men and "did not have the availability of personnel as did the Army."

O'Brien said he never saw any Army directives spelling out this civilian activity. "It just was the understood policy of how we were to operate," he said.

O'Brien said the 113th MIG's judgments on who would be watched was based, in part, on a political standard that put William F. Buckley Jr., a conservative columnist, "just left of center" and Sen. Eugene J. McCarthy, D-Minn., and George McGovern, D-S.D., on the "far left."

The "new left" in Army parlance was "virtually equal to Communism," O'Brien said.

What triggered his disenchantment with his unit's activities, O'Brien said, was the designation of Adlai Stevenson III as a surveillance target in September 1969. At that time Stevenson was Illinois state treasurer and had staged a picnic at his family farm in Libertyville, Ill., that was to prelude his candidacy for the Senate.

Several political powers attended the picnic, including Chicago Mayor Richard J. Daley and Negro leader Jesse Jackson.

Also among the crowd was a military intelligence agent assigned to watch Jackson.

During the course of the picnic, the Army agent took a photograph of Jackson whispering in Stevenson's ear. The picture and an agent report describing the event and "the new relationship" between Jackson and Stevenson was sent through intelligence channels to Ft. Holabird, Md., a collection center for the Army's domestic intelligence.

After that picnic, O'Brien said, "military intelligence agents of the 113th covered every appearance of Stevenson in Chicago, at least up to June 1970," when O'Brien was discharged.

Mikva became a person of interest "because of his outspoken criticism of (Vietnam) war policy and because he aided draft resisters," said O'Brien.

Judge Kerner was not subject to direct surveillance, O'Brien said "as far as he knew." "We just started keeping files on him after the commission report." The report of Kerner's violence commission said there was no evidence of a conspiracy in urban violence.

MILITARY SPYING AND THE PRESS (By Jared Stout)

WASHINGTON—A \$250,000 contributor to President Nixon's campaign, Chicago insurance executive W. Clement Stone, was watched by Army intelligence agents for at least a year, because he once loaned money to a street gang to open a store and restaurant.

At the same time, the army undercover men also kept close watch on detailed files on the activities of two Chicago newsmen, two negro aidmen, and the wife of a millionaire Chicago lawyer who was a prominent backer of Sen. Eugene J. McCarthy.

All of the individuals—Stone, Henry Deutter of the Chicago Daily News, Morton Kondracke of the Chicago Sun-Times, aidmen William Cousins, Jr., and A. A. (Sammy) Rayner, Jr., and Lucy Montgomery, the lawyer's wife—were tucked away in a massive "subversives file" maintained by the army.

These new disclosures were made Wednesday by former Army spy John M. O'Brien in an interview. Earlier, O'Brien revealed military spying on several top-ranked Illinois political figures.

O'Brien said Sen. Adlai E. Stevenson III (D-Ill.), Rep. Abner Mikva (D-Ill.), and U.S. Circuit Court Judge Otto Kerner were targets of his former unit, the region one office of the 113th Military Intelligence Group (MIG) in Chicago.

O'Brien was assigned as an undercover agent for the 113th MIG from June, 1969, until his honorable discharge as a staff sergeant on June 8, 1970. His personal account of political spying during his service with the 113th MIG provoked outrage in Congress Wednesday and demands for a full public disclosure of army activities.

Irate lawmakers wanted to know why political figures and other prominent Chicagoans were watched, and became part of what O'Brien called "a subversives file" for 800 Illinois individuals and organizations.

Chairman George H. Mahon of the House Appropriations Committee promised an investigation of the reported spying, saying "we will do all we can to prevent its recurrence." Mahon, who also heads the Defense Appropriations Subcommittee, that controls military intelligence funds said the acts were "an outrage."

Mikva said of O'Brien's account, "the implications of this for the country are horrifying. The whole concept of civilian control of the military is in jeopardy, and if this thing is not stopped, all the people will have left to do is salute."

Stevenson told a news conference that "as long as this remains a free country the people will judge their elected officials—not the army."

"There is no place in a free society for snooping by the military in the peaceful political affairs of citizens," Stevenson said.

On the Senate floor, Sen. J. Edwin (D-N.C.), said O'Brien would be called to testify before his Subcommittee on Constitutional Rights, which will hold February hearings on military spying and the secret creation of a domestic intelligence network.

At the White House, Presidential News Secretary Ronald L. Ziegler said it was "inconceivable" to President Nixon that such activities were going on. He told reporters Defense Secretary Melvin Laird was looking into the situation.

Ziegler said, "We certainly don't condone that activity," and that Laird would put a stop to it, if he found the surveillance effort was still going on.

While Congress pressed for an inquiry, O'Brien revealed these other aspects of the 113th MIG's operations:

Clement Stone, 69, was selected for surveillance because of his \$60,000 loan to the Vice Lords, a Chicago street gang. The money was intended to help the gang open a restaurant and store on Chicago's West Side. But it was enough of a link to a group considered "possibly subversive" by the Army to warrant a file on Stone, O'Brien said.

Stone is president of the Combined Insurance Company of America. By his own claim, he gave more than \$1 million to Republican candidates in 1968, plus \$250,000 to the Nixon-Agnew ticket. Those who know him in Chicago consider him a conservative prone to charitable works.

Stone's book on the power of a positive mental attitude is said to have been a source of inspiration to Nixon. He is known as the "Mr. Big" in the Illinois GOP's money circles.

Lucy Montgomery is the wife of millionaire lawyer Kenneth F. Montgomery who came to public attention in the Chicago area as a contributor and backer of Senator McCarthy's Presidential campaign. She has long been a backer of liberal causes. O'Brien said Mrs. Montgomery's file included "intimate details of her personal life."

Aldermen Cousins and Rayner have been outspoken black members of the Board of Aldermen controlled by Mayor Richard J. Daley. They have voted frequently against the Daley machine position.

Army interest was sparked by Rayner's ties to Chicago street gangs, particularly the Black P-Stone Nation. He has worked to move the gangs into legitimate enterprises.

Cousins came to Army attention as a strong supporter of the Rev. Jesse Jackson, another black Chicago leader prominent in the Southern Christian Leadership Conference. Jackson was also watched by the 113th MIG.

Judge Kerner came to the unit's attention after the National Violence Commission made its finding that riots were not caused by a national conspiracy, a view that O'Brien said differed from the Army's belief a conspiracy did exist. A former Governor of Illinois, Kerner was commission chairman.

The 113th MIG clipped from newspapers all accounts of the Kerner Commission report and called the Illinois State Police and Springfield Ill. police to see if they had any personal information on Kerner. Both agencies supplied some data, O'Brien said.

Newsmen Desutter and Kondracke were interesting to the 113th Mig because of their sometimes critical stories on Vietnam war policy in their coverage of the war protest movement, O'Brien said. Both men's articles were clipped from newspapers. Some personal data on their personal lives also were included in their files.

A third newsmen's writings, James Singer of the Chicago Sun-Times, also were kept. He, too, had covered protest demonstrations.

Desutter is the education writer and Chicago Daily News reporter assigned to coverage of the protest movement in Chicago. Kondracke is assigned to the Sun-Times Washington Bureau. Singer works for the Sun-Times in Chicago.

At the Pentagon, Army General Counsel Robert E. Jordan III did not deny intelligence information on political activity in the Chicago area had been collected.

But Jordan insisted "current Army policy specifically and emphatically prohibits collection of any information of the type referred to in these allegations."

In earlier statements, however, Jordan has conceded the Pentagon's civilian leaders did not know how far Army field commanders may have gone in the domestic intelligence area.

STATEMENT BY ARMY GENERAL COUNSEL ROBERT E. JORDAN III, DECEMBER 16, 1970

I have seen a number of allegations that Army intelligence personnel have, in the past, gathered information about political figures in the Chicago area.

The Department of Defense and the Department of the Army are, of course, gravely concerned about these reports. And we are checking into them at this time.

I want to make it very clear that current Army policy specifically and emphatically

prohibits collection of any information of the type referred to in these allegations.

A series of new policies issued over the past two years has strictly confined Army intelligence activities to a very narrow area related to certain tightly-defined Army responsibilities.

Army intelligence is not authorized to gather information on political activities, or on the activities of political leaders. Intelligence personnel are restricted to normal personnel-security activities and to certain activities related to direct threats against Federal property or personnel.

In addition, a former program concerning information related to possible civil disturbances has been dramatically curtailed. No collection, reporting, or storage of information in this area is allowed without prior order from the Army's civilian secretariat.

And such an order would be given only when the employment of Army troops to assist State and local officials in a disorder seems imminent.

In any active civil disturbance situation the Army would, of course, be working closely with officials of the Department of Justice.

I want to emphasize that the civil disturbances information which had been previously collected was ordered destroyed on June 9th of this year.

The Army's new policies of strict control in this area are contained in documents readily available to the public, to the press and to the Congress. The civil and military leadership of the Department of Defense and the Department of the Army have taken steps to insure that Army intelligence activities are strictly limited to our narrowly defined and limited responsibilities.

We will, of course, be continuing our close attention to this matter.

STATEMENT BY SECRETARY OF THE ARMY STANLEY R. HESON, DECEMBER 17, 1970

As was stated yesterday by Army General Counsel, Robert E. Jordan, III, the Department of Defense and the Department of the Army are gravely concerned about the allegations that Army intelligence personnel have gathered information on political figures. It was also stated yesterday that we are checking into these allegations.

A preliminary check has been completed. On the basis of information I have received, I can state that neither Senator Stevenson, Representative Mikva nor former Governor Kerner are or ever have been the subject of military intelligence activities or investigations related to political activities. Allegations to the contrary are without foundation in fact.

I want to emphasize that had any such alleged activities been conducted, they would have been in violation of Army policies.

With regard to Judge Kerner, as is the case with other general officers in the National Guard, there is in the files a copy of a background investigation in connection with his military duties. The last entry was in 1952.

The Department of the Army has reported to Senator Ervin and to others, including the press, the restrictions which have been imposed on the collection and retention of intelligence information. I want to re-affirm the Army's desire to continue its full cooperation with Senator Ervin and other Members of Congress who share my concern that there must be no abuse whatsoever of military intelligence responsibilities.

DEPARTMENT OF DEFENSE INTELLIGENCE AND COUNTERINTELLIGENCE

Memorandum for: Secretaries of the Military Departments, Chairman, JCS, and Directors of the Defense Agencies.

Policy Objectives. I want to be certain that Department of Defense intelligence and coun-

terintelligence activities are completely consistent with constitutional rights, all other legal provisions, and national security needs. These activities must be conducted in a manner which recognizes and preserves individual human rights. Policy determinations governing such activities must be retained under civilian cognizance and control.

One matter of particular concern to me is the one related to intelligence and counterintelligence activities involving the use of investigative and counterintelligence personnel. Actions have been taken to eliminate some past abuses incident to such activities, but further corrective actions are necessary as a matter of urgent priority.

Specific Actions. The remedial actions directed below will take effect at the earliest date practical, but not later than 1 February 1971:

a. Assistant Secretary of Defense Robert F. Froehke, who is my Special Assistant for Intelligence, in consultation with the Secretaries of the Military Departments, will review all policy directives relating to the conduct of investigative and counterintelligence activities and propose changes to insure that Defense policy is clear and consistent with my policy objectives. He will provide for a continuing review of the changes in organizational responsibilities, procedures and practices directed by this memorandum.

b. The Director, Defense Intelligence Agency (DIA), will report directly to the Secretary of Defense in the conduct and performance of his duties. The chain of command shall run from the Secretary of Defense to the Director, DIA. Guidance to the Director, DIA, shall be furnished by the Secretary of Defense and the United States Intelligence Board (USIB). The Director, DIA, will support the intelligence and counterintelligence requirements of the Joint Chiefs of Staff (JCS) as in the past. A separate J-2 organization within the OJCS will not be reestablished.

c. In addition to his presently assigned duties, the Director, DIA, shall implement my policies and be responsible to me for the planning, conduct, and operational control of all direct intelligence collection by human resources and counterintelligence investigative functions throughout the Department of Defense. Pending promulgation of DIA instructions, all activities and resources within these subject areas (including personnel, funds, equipment, and facilities) will be maintained and conducted at the currently approved or approved-for-planning levels. The Director, DIA, is authorized to delegate operational control to the appropriate Service or operating command. This delegation will be accomplished on a function-by-function basis.

Informing Congress and the Public. Because of the understandable public interest in this matter, it is my desire that, after plans, policies and procedures necessary to establish DIA control over all human resource activities in the Services as related to intelligence and counterintelligence are completed, my Special Assistant for Intelligence will hold a news briefing to inform the American public about the changes being made from past procedures. Concurrently, appropriate committees of the Congress will be informed of these actions.